



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Oscar FLORES-Arce (1)
J. A. Q.-R. (2)
Defendants

) Mag. Case No. **'07 MJ 8954**
) COMPLAINT FOR VIOLATION OF:

)
) Title 8, U.S.C., Section 1324
) (a)(1)(A)(ii) -Illegal Transportation of
) Aliens and Title 18 U.S.C., Section 2, Aiding
) and Abetting (Felony)

The undersigned complainant, being duly sworn, states:

On or about November 28, 2007, within the Southern District of California, defendants, Oscar FLORES-Arce and J.A. Q.-R., with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Jesus Miguel VELAZQUEZ-Paz, Pedro SANCHEZ-Ronda and Julieta HERRERA-Carrillo had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii and Title 18, United States Code 2.

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 30th DAY OF NOVEMBER 2007.

Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Oscar FLORES-Arce (1)

4 J. A. Q.-R. (2)

5 STATEMENT OF FACTS

6 The complainant states that this complaint is based upon statements in the investigative
7 reports by the apprehending U.S. Border Patrol Agent S. Carter that on November 28, 2007, the
8 defendants, were apprehended near Calexico, California, along with (10) ten other undocumented
9 aliens from Mexico, in violation of law.

10 On November 28, 2007, approximately 8.5 miles east of Calexico, California, at
11 approximately 6:00 P.M. Agent Mills observed a group of suspected illegal aliens running north
12 from the All American Canal area. With the use of a pair of Border Patrol issued Night Vision
13 Goggles, Agent Vega-Torres was able to follow the group of suspected Illegal aliens, while on
14 foot, as it continued north from the area. While following the group Agent Vega-Torres noticed
15 one individual, later identified as J. A. Q.-R., was clearly giving
16 instructions by using hand gestures and yelling to the group and J.A.Q-R was talking on a cell
17 phone. Agent Vega-Torres could identify J.A.Q-R as a tall, slender male, with long hair in a
18 pony-tail wearing a hat.

19 Agent Vega-Torres followed the group until he observed the group board a white van and
20 the driver, later identified as Oscar FLORES-Arce, drove off. Agent Vega-Torres reported this
21 information and the direction of travel to other agents in the area.

22 Agent Mills was able to locate the van driving south of Agent Vega-Torres' location.
23 Using the emergency lights and siren on his Border Patrol Vehicle, Agent Mills attempted to stop
24 the van. FLORES failed to yield and drove north off of the highway on an unnamed field road.
25 After approximately one and one half miles, FLORES stopped the van. Agent Mills pulled up to
26 the van and could clearly see FLORES seated in the driver's seat of the van. FLORES exited the
27 van and jumped into the waist deep water of the canal and stopped. Agent S. Sedano arrived to
28 offer assistance to Agent Mills. FLORES, J.A.Q-R and the ten other occupants in the van
29 were questioned and it was determined that FLORES, J.A.Q-R and the ten other individuals

1 are all natives and citizens of Mexico illegally in the United States. FLORES, J.A.Q-R and
2 the others were arrested and transported to the Calexico Border Patrol Station.

3 J.A.Q-R was read his rights per Miranda. J.A.Q-R stated he understood his right
4 and was willing to answer agents questions with out an attorney present. J.A.Q-R stated he
5 made arrangements with an unknown smuggler in Mexicali, Mexico, to be smuggled illegally
6 into the United States for the fee or \$3,000.00. J.A.Q-R stated the smuggler told him and the
7 others to walk towards a light and they would be picked up. J.A.Q-R stated they walked to
8 the pick up stop and got into a white van that stopped. J.A.Q-R stated a man was driving the
9 van. J.A.Q-R stated he saw lights and heard a siren behind them. J.A.Q-R stated the
10 driver, FLORES, did not stop.

11 Material Witnesses Pedro SANCHEZ-Ronda, Jesus Miguel VELAZQUEZ-Paz and
12 Julieta HERRERA-Carrillo stated they are a native and citizens of Mexico illegally in the United
13 States. SANCHEZ stated arrangements were made with a smuggler in Mexico to pay a fee of
14 \$2,200.00 to be smuggled illegally into the United States. VELAZQUEZ stated arrangements
15 were made with a smuggler in Mexico to pay a fee of \$2,000.00 to be smuggled illegally into the
16 United States. HERRERA stated arrangements were made with a smuggler in Mexico to pay a
17 fee of \$2,000 to be smuggled illegally into the United States. SANCHEZ, VELAZQUEZ and
18 HERRERA stated the smuggler, a man, J.A.Q-R gave them hand signals and instructions.
19 SANCHEZ, VELAZQUEZ and HERRERA stated J.A.Q-R stayed in front of the group.
20 SANCHEZ stated a white van picked them up. SANCHEZ, J.A.Q-R and HERRERA told
21 them to run to the van. SANCHEZ, VELAZQUEZ and HERRERA stated J.A.Q-R also got
22 into the van and that a man, FLORES, was driving. SANCHEZ, VELAZQUEZ and HERRERA
23 stated when he saw lights behind them, FLORES sped up and the group told him to stop but he
24 refused.

25 SANCHEZ, VELAZQUEZ and HERRERA were able to positively identify photo
26 number one as FLORES, from a photo line-up number one as the driver of the van.

27 SANCHEZ, VELAZQUEZ and HERRERA were able to positively identify photo
28 number two as J.A.Q-R as the individual that guided the group north into the United States
29 from the border.

The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Pedro SANCHEZ-Ronda	Mexico
Jesus Miguel VELAZQUEZ-Paz	Mexico
Julieta HERRERA-Carrillo	Mexico

Further, complainant states that Pedro SANCHEZ-Ronda, Jesus Miguel VELAZQUEZ-Paz and Julieta HERRERA-Carrillo are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.